

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JUSTIN BARTON,

Defendant.

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Case No. 20-03061-01-CR-S-MDH

ORDER

Before the Court is Defendant's *Pro Se* Motion to Reduce Sentence Pursuant to 18 U.S.C. § 3582(c)(2). Defendant was sentenced on June 21, 2023 to 168 months imprisonment following a guilty plea for receipt and distribution of child pornography, in violation of 18 U.S.C. § 2252(a)(2) and (b)(1). Under 18 U.S.C. § 3582(c)(2), a court may reduce a previously-imposed sentence for a "defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission." 18 U.S.C.A. § 3582. In 2023, the Sentencing Commission promulgated Amendment 821, which, in relevant part, allows for a reduction in offense level for certain offenders who lack criminal history points at the time of sentencing. USSG § 4C1.1. In the present case, Defendant is ineligible for modification under this amendment, as Defendant received criminal history points at his original sentencing. For this reason, Defendant's Motion is **DENIED**.

IT IS SO ORDERED.

DATED: May 29, 2024

/s/ Douglas Harpool

DOUGLAS HARPOOL
UNITED STATES DISTRICT JUDGE